these cases is that to give effect to such regulation would be to allow the railroad company to control the transportation of passengers and merchandise beyond its own lines, and to establish a monopoly not granted by its charter, which might be solely for its own benefit and not for the benefit of the public.

CARRIERS—SHIPMENT—GARNISHMENT—EFFECT—BALDWIN ET AL V. GREAT NORTHERN RAILWAY CO., 83 N. W. 986 (Minn.).—A carrier received freight for shipment from a place within a State to a place without, placed the same in a car for transportation and issued a bill of lading therefor. A third party then served on it a garnishee summons against the owner of the goods. *Held*, that this did not compel the company to forego the right to transport the same, nor did it excuse or authorize an unreasonable delay in forwarding the property.

On grounds of public policy it is held by the weight of authority that carriers cannot be held as garnishees for property where it is in actual transit when the garnishment process is served. 14 *Am. & Eng. Enc.* 810. *Contra*, *Landa* v. *Holck*, 129 Mo. 663, citing with approval *Adams* v. *Scott*, 104 Mass. 164. The courts are pretty well divided as to whether the exemption extends to goods not actually in transit, but the majority seem to hold that it does not. In *Bates* v. *R. R.*, 60 Wis. 296, the Court expressly declined to decide the question. However in the case at bar, approving and following the rule laid down in *Stevenst* v. *Eastern Ry. Co.*, 63 N. W. 256, it was held that property in carrier's hands, though not yet shipped, was not subject to garnishment.

CARRIERS—INJURY TO EMPLOYEE—LIABILITY—CHATTANOOGA RAPID TRANSIT CO. V. VENABLE, 58 S. W. 861.—In violation of the railroad's rules a conductor allowed an employee of the road to ride without demanding a pass or fare from him. *Held*, that such an employee, riding openly, was not a trespasser and railroad was liable for injuries resulting from a collision.

A railroad company has the right to make reasonable rules regulating the running of its road, and such rules cannot be abrogated by its employees. *Railroad Co.* v. *Wilson*, 88 Tenn. 306. 4 *Elliott*, *R. R.* Sec. 1500. Thus if defendant had prevailed upon the conductor to carry him in violation of a known rule of the company, no recovery would be permitted. *Railroad Co.* v. *Haily*, 94 Tenn. 383. The most that the conductor did in this case was to call the attention of the defendant to the rule referred to above. The presumption is that a person so traveling with knowledge of the conductor, and without interference from him, is a passenger and entitled to all a passenger's privileges. 4 *Elliott R. R.* Sec. 1578. *Jacobim* v. *R. R. Co.*, 20 Minn. 125; *O'Donnell* v. *R. R. Co.*, 59 Pa. St. 239; *Washburn* v. *R. R. Co.*, 3 Head (Tenn.) 638.

CONTRIBUTORY NEGLIGENCE OF PARENT—PERIL OF CHILD—RESCUE BY MOTHER—WEST CHICAGO ST. RY. V. LIDERMAN, 58 N. E. 367. (Ill.)—The mother permitted the child while on the street to let go of her hand, and run onto defendant's tracks. This suit was for damages she sustained in attempting to save it from being run over by a car. The contention of defendant was that permitting a child three years old to play in the street where cars were operated was negligence as a matter of law. *Held*, that as a matter of law it was not negligence *per se*, but was fairly debatable. *Fox* v. *Ry. Co.*, 118 Cal. 55; *Weeks* v. *Ry. Co.*, 56 Cal. 513.

But in *Ry. Co.* v. *Leach*, 91 Ga. 419, it was held that a person's administrator could not recover for his death which resulted from his attempt to save a boy, who by negligence of deceased, was on the trestle of a railroad.